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Attorneys for Plaintiffs
ICQ (USA) Inc. and Istituto Italiano Sicurezza dei
Giocattoli S.r.l.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ICQ (USA) Inc. and Istituto Italiano Sicurezza
dei Giocattoli S.r.l.

Plaintiffs,
-against-

Modern Testing Services, LLC, MSR
Laboratories, LLC, Hojun Park, and Mark
Simonds,

Defendants.

Case No. 10-cv-6031 (SAS)

**STIPULATION OF DISMISSAL OF
ACTION WITH PREJUDICE**

WHEREAS Plaintiffs ICQ (USA) Inc. (“ICQ (USA)”) and Istituto Italiano Sicurezza dei Giocattoli S.r.l. (“IISG”) (ICQ (USA) and IISG together, “ICQ”) by their attorneys Baker & McKenzie LLP, and MSR Laboratories, LLC (“MSR”) and Mark Simonds (“Simonds”) (collectively “Defendants”), (collectively the “Parties”), by and through their attorneys, have settled fully and finally this matter, as reflected in formal settlement papers entitled “Settlement Agreement” (“Settlement Agreement”);

WHEREAS, pursuant to the terms and conditions of the Settlement Agreement and Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, the Parties desire a dismissal with prejudice of all claims in this litigation;

NOW, THEREFORE, IT IS HEREBY AGREED AND STIPULATED AS FOLLOWS:

That the above-captioned action be and hereby is dismissed with prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii), with each party to bear its own attorneys' fees and costs.

Dated: October 5, 2010

Respectfully submitted,

/s/ Marcella Ballard

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Dated: October 5, 2010

Respectfully submitted,

/s/ Robert P. Tedesco

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Attorneys for Defendants

MSR LABORATORIES, LLC AND
MARK SIMONDS

SO ORDERED, this ____ day of _____, 2010

HON. SHIRA A. SCHEINDLIN, U.S.D.J.